

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12609, of Grasslands, Inc., and LAR Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a new residential development, for a special exception under Sub-section 7205 to allow parking in front of a proposed apartment building and for a variance from the use provisions (Section 3101) to allow a gate house and driveways to serve the R-5-A development, all to allow the construction of one high rise apartment building, twelve apartment buildings each having one side yards and two common walls in the R-1-B and R-5-A Districts at the premises 3201-3299 Sutton Place and 3101 New Mexico Avenue, N.W., (Square 1601, Lots 807 and 808).

HEARING DATE: March 15, 1978

DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject site is located south of Ward Circle between Massachusetts and New Mexico Avenues, N.W., and is known as 3201-3299 Sutton Place and 3101 New Mexico Avenue, N.W. The property is zoned R-5-A except for a one hundred foot strip along the New Mexico Avenue frontage which is zoned R-1-B.

2. The applicants requested special exception relief pursuant to Paragraph 3105.42 of the Zoning Regulations for site plan review by the Board of an apartment complex containing 192 apartment units in a high-rise structure and 200 townhouse-type apartment units.

3. Special exception relief was requested pursuant to Sub-section 7205.3 of the Zoning Regulations to permit parking in front of the proposed apartment building in the R-5-A District.

4. Variance relief was requested pursuant to Section 8207.2 of the Zoning Regulations from the use provisions of the R-1-B District to permit a gatehouse and driveways located in the R-1-B District to serve the R-5-A Development.

5. The application was amended at the public hearing to request variance relief from the use provisions of the R-1-B District to permit the construction of a temporary sales office.

6. The applicants are the owners of a vacant site, formerly part of the Glover Estate, of approximately thirteen acres. The site is largely zoned R-5-A, with R-1-B zoning paralleling New Mexico Avenue to a depth of 100 feet. Approximately 30,000 square feet of the site is zoned R-1-B. The highest elevation on this property occurs in the center. From the center, the land slopes gently downward toward Massachusetts Avenue to the east and New Mexico Avenue to the west with a steep slope at the edge of the property facing the Archbold-Glover Park which borders the property on the east.

7. Adjacent to this site on the south are the Towers apartments which face Cathedral Avenue. The Foxhall Square commercial building is located west and north of the site on New Mexico Avenue. The applicant is building a new commercial building to be known as Sutton Place Mall south of the existing Foxhall Square on land zoned C-1. North of the Sutton Place development is the Foxhall PUD (Embassy Park), a combination townhouse and high rise apartment development. The final phase of that development is presently before the Zoning Commission. In the northernmost portion of Square 1601, Kettler Brothers has a 149 unit townhouse project under construction. This project was approved by the Board in Case No. 12395, by Order dated June 24, 1977.

8. The area is a stable community consisting of well-maintained single family houses, high rise apartments, university campus, a local school and churches and a small shopping cluster. Single family detached housing is located west of New Mexico Avenue. Most of the area west of New Mexico Avenue is zoned R-1-A or R-1-B. North of Ward Circle is the campus of American University which is zoned R-5-A. The area between Massachusetts and New Mexico Avenues from Ward Circle on the north and Tunlaw Road is zoned R-5-A and R-5-B. A small commercial site near New Mexico Avenue and Macomb Street is zoned C-1 (Foxhall Square), as well as the new commercial building being built by the applicant in this case. West of the site single family detached homes predominate. Large apartment buildings are found immediately south of the proposed Sutton Place project along Cathedral Avenue and along Massachusetts Avenue between Ward and Hamilton Circles. To the north, townhouses are under construction and a high rise and townhouses are proposed.

9. The subject Sutton Place is proposed to consist of 192 apartment units in a high rise building at the center of the site and stacked apartment units (townhouse style) over the remaining portion of the site. Overall, a maximum of approximately 496,915 gross square feet is proposed to be constructed. The high rise building is proposed to have a gross floor area of approximately 255,206 square feet and the low rise structures a total of approximately 236,655 square feet for a grand total of 491,861 square feet. The proposed gross floor area is less by approximately 5,054 square feet than the maximum permitted under R-5-A zoning. Overall lot occupancy is less than thirty per cent while a maximum of forty per cent is permitted. The height of the apartment building is proposed to be approximately ninety feet and the building would be set back ninety feet from all lot lines. The low rise structures would be a maximum of forty feet.

10. Applicant proposes eight groups of low rise buildings to consist of a mixture of 200 two and three bedroom stacked apartment units in townhouse configuration. For zoning purposes, each of the eight structures is considered a single building. Each of the 148 two bedroom units and the fifty-two three bedroom units will be two stories high. Each unit will have individual laundry facilities, heating and air conditioning systems, and fireplaces. The townhouse style apartments will be sold as condominiums.

11. The eleven story high rise building is to contain 192 apartments. Some of the units on the first through ninth floors will be two level units. With the exception of the top two floors, every other floor (1-9) will be an entrance floor employing skip floor elevators. The tenth and eleventh floor units are single level units. Many of the units have both east and west exposures. Of the 192 high rise units, twenty-five are efficiencies, 103 are one bedroom units, fifty-six are two bedroom units, and eight are three bedroom units. All are to be rental units. Three levels of underground parking are to be provided with 241 spaces. One space per dwelling unit is required in the R-5-A District.

12. The applicant also proposes to provide two swimming pools, tennis courts, a gate house for security and control and a wall to be constructed along the New Mexico Avenue frontage.

13. In general, the site plan responds well to the topography and to surrounding developments. The housing plan contains an appropriate mix of low and high-rise structures. The placement of the high rise building at the center of the site lessens its impact on surrounding streets and properties. Aligned along a north-south axis, this placement gives good exposure to air and sunlight. The low-rise buildings are designed in townhouse fashion similar to the Embassy Park and Kettler Brothers developments. Some regrading will be necessary, due to the varied terrain of the property. However, the landscaping plan submitted by the applicant indicates that a variety of shade trees, flowering trees, evergreen trees and shrubs will be planted throughout the site. In addition, the entire site will be surrounded by a fence and a gatehouse will be provided at New Mexico Avenue for security and control. Recreation facilities include two swimming pools, each with a bath house and cabanas and tennis courts.

14. A total of 482 parking spaces will be provided. Of the total, 245 spaces will be underground for use by the high rise apartment residents. The remaining parking spaces will be surfac spaces, serving both the high rise and low rise buildings at various locations throughout the site. Parking is provided at a ratio of approximately 1.17 spaces per low rise dwelling unit and approximately 1.25 spaces per high rise unit. A minimum of one space per dwelling unit is required by the Zoning Regulations. Parking for the low rise units is located in front of the buildings. There are no public interior streets within the site. All proposed streets will be constructed by the developer. There will be only one entrance to the site which is from New Mexico Avenue, N.W.

15. The site has street frontage only on New Mexico Avenue and a short piece of 43rd Street extending back from New Mexico Avenue. The piece of 43rd Street adjacent to the site was constructed to serve the adjacent apartments. The only direct access to the site is thus from New Mexico Avenue. All of the frontage of the site along New Mexico Avenue is zoned R-1-B. It is therefore necessary to cross the R-1-B District to gain any access to the R-5-A portion of the site. Denial of the use variance for the driveway would prevent any reasonable use of the site.

16. The applicant proposes to erect a gatehouse and a temporary sales office in the R-1-B portion of the site. The gatehouse is to serve to control access to the site, and could not reasonably be located elsewhere on the lot. The sales office is proposed to be located on this portion of the site in order to be close to the entrance to the site, and so as not to be located in an area to be constructed upon. The Board finds such a location to be appropriate for those reasons.

17. In regard to the exception for parking to be located in front of the buildings, the Board finds that there are no public streets or alleys running through or around the subject site. The applicant will provide a network of private drives through the site. To require parking to be in the rear of the buildings would either require substantially more paved surfaces or would require that the rear of the buildings face the private drives. The proposed site arrangement is more satisfactory than either alternative.

18. By memorandum dated February 1, 1978, the application was referred to the Municipal Planning Office, Department of Transportation, Department of Housing and Community Development and Board of Education for review and report.

19. The Department of Transportation testified at the public hearing, concerning the adequacy of the number of parking spaces, the capacity of the streets in the area and the design of the driveway. The Department testified and the Board finds that the number of parking spaces proposed is adequate to serve the project, and is not excessive in numbers. The Department testified and the Board finds that there is existing capacity on arterial streets to accommodate the project, except for one segment of Nebraska Avenue approaching Ward Circle in the morning peak hours. Congestion on this road segment can be alleviated by development of better bus service to the Metrorail system when the Tenley Circle station opens. The Department also testified concerning inadequacies in the design of the driveway at the entrance.

20. The Board also heard testimony from the applicant's traffic expert. He testified that there is available capacity on most surrounding streets to serve the development and that the number of proposed parking spaces is reasonable. The Board so finds.

21. The Department of Housing and Community Development, by memorandum dated March 14, 1978, reported on the adequacy of recreation and other services for the residents of the proposed development and its relationship to public plans and projects. The Department reported and the Board finds that the project has adequate recreation and other services, and that the development is consistent with public plans and policies. The Department reported no objection to favorable action on this application.

22. The Board of Education, by memorandum dated March 23, 1978, reported and the Board finds that the development will create no adverse impacts on local elementary schools, and that even though the secondary schools are at or near capacity, such conditions would be relieved naturally in the future. The Public Schools had no objection to implementation of this project.

23. The Municipal Planning Office, by report dated March 15, 1978, and by testimony at the hearing, recommended that the application be approved on the grounds that the project is an appropriate development for this site will provide needed housing and will be compatible with the surrounding neighborhood. The Board so finds. The MPO recommended that the special exception to permit a new residential development in the R-5-A District, the special exception to locate parking in front of the buildings, the use variance for access and the use variance for the sales office all be granted. The MPO recommended approval of the site plan subject to certain specific revisions.

24. The MPO further reported that the D.C. Fire Department had reviewed the application and did not anticipate any difficulty if the development is constructed as proposed and that the Department of Environmental Services indicated no significant problems with the proposed development provided that a satisfactory soil erosion control plan is presented. The site has adequate sewer and water service. No city refuse collection is involved.

25. Subsequent to the hearing, the applicant submitted a revised site plan marked as Exhibit 34 in the record, including the specific changes recommended by the MPO and The Department of Transportation.

26. Advisory Neighborhood Commission 3D, by letter dated March 15, 1978, and by testimony at the hearing unanimously recommended approval of the application subject to the following CONDITIONS:

1. That the applicant's plan receive the approval of the Municipal Planning Office, the Departments of Transportation, Environmental Services, Housing and Community Development, and the Board of Education as being in compliance with density and design criteria under the Zoning Regulations and within the present capacity of public services, or that the applicants pay for such additional capacity and services as are necessary to maintain a safe and healthful environment in the public welfare.

2. That the National Park Service and the National Capital Planning Commission approve the placement of structures adjacent to the Glover-Archbold Park and appropriate to its continued use for public recreation and the natural environment.
3. That the number of three bedroom (as opposed to fewer than three) units in the townhouse-type (low rise) apartments be increased to at least half the total number of such units, given the need for new residential units in this city suitable for family occupancy and in keeping with the adjacent neighborhood of single family dwellings in Wesley Heights.

In addition, the ANC testified that the number of parking spaces proposed was reasonable. The ANC was concerned about traffic impacts in the area, particularly from the proposed commercial development to the north.

27. As to the issues and concerns raised by Advisory Neighborhood Commission 3D, to which the Board gives "great weight", the Board finds that all District of Columbia agencies required to review an R-5-A development project have recommended approval of the project as presented before the Board and the revised site plan. The Board notes that these reports had not been seen by the ANC prior to its resolution. The Board finds that the site plan as proposed adequately reflects concern for the adjacent park land. The Board finds that the applicant has provided a reasonable mix of three bedroom units in the townhouse-type apartments in response to the anticipated need for such units by the market to be attracted to this type project. The Board finds that the traffic analysis of the total development area of this project and projects to the north and south in the immediate vicinity demonstrates that this project would not have unacceptable impacts on traffic on New Mexico Avenue and at critical intersections to the north and south.

#### CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the applicant has met all the requirements of Paragraph 3105.42 of the Zoning Regulations as a special exception under Sub-section 8207.2 of the Zoning Regulations. The site plan provided was duly referred to the departments and agencies specified in Paragraph 3105.42 with no objection to the approval of the project except as has been met by the applicant with a revised plan. The plans provide new housing in the District of Columbia in a manner which will be compatible with the surrounding neighborhood.

Ample open space, private recreation area and landscaping are provided on the site. The groupings of the buildings have been laid out in a way to give maximum use of interior open space. Additionally, the Board finds that the project will be in harmony with the general intent and purposes of the Zoning Regulations and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. As to the special exception requested to permit parking in front of the proposed apartment building, the Board concludes that the lack of alleys or appropriate ingress or egress facilities through existing or proposed alleys or streets dictated that proposed parking be provided in the front yards. The most economical and aesthetically pleasing manner to develop the parcel is to construct ingress and egress driveways from New Mexico to parking areas located in front of each apartment building to be erected with no alleys bisecting the property to permit parking areas in the rear yards of the individual structures. Therefore, it is necessary that parking be provided in front of the proposed structures. The revised site plan and proposed parking layout will not adversely affect neighboring property as it is screened through plantings, landscaped treatment, fencing, and through location in front of the structure to be served designed in a manner to minimize its presence.

As to the variance from the use provisions to permit a gatehouse and driveway, the Board concludes the variance is necessary to gain access to the site. Since the only street frontage of the subject property is on New Mexico Avenue, driveways to serve the interior of the site must traverse the R-1-B zoned frontage. The gatehouse is being provided to facilitate security and control, which is desirable.

As to the variance from the use provisions to permit the construction of a temporary sales office such use is necessary to facilitate the proper on-site sales attention for the operation of a large scale development project. It will be screened so as to minimize adverse affects on neighboring property and the sales office will be of a temporary nature. Accordingly, it is ORDERED that the application is GRANTED in its entirety, SUBJECT to the following CONDITIONS:

1. The application is Granted based on the revised site plan, marked as Exhibit 34 in the record.




2. The use of the temporary sales office shall be limited to THREE YEARS from the date of the issuance of the Final ORDER on this Application.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Walter B. Lewis, and Leonard L. McCants).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: 8 MAY 1978